

**United States Department of Labor
Employees' Compensation Appeals Board**

T.H., Appellant

and

**U.S. POSTAL SERVICE, SHAKER HEIGHTS
POST OFFICE, Cleveland, OH, Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 21-1141
Issued: March 10, 2022**

Appearances:

Alan J. Shapiro, Esq., for the appellant¹

Office of Solicitor, for the Director

Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge

PATRICIA H. FITZGERALD, Alternate Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On July 20, 2021 appellant, through counsel, sought an appeal from a purported July 20, 2021 decision of the Office of Workers' Compensation Programs (OWCP).² The Clerk of the Appellate Boards assigned Docket No. 21-1141.

The Board has duly considered the matter and notes that the Board has jurisdiction to the review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).³ This jurisdiction encompasses any final decision issued by OWCP within 180 days of

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² Counsel did not appeal from OWCP's June 7, 2021 merit decision, which affirmed OWCP's November 30, 2020 forfeiture decision. He identified only the purported July 20, 2021 decision on the application for review (AB-1 Form). Therefore, the Board will not consider the June 7, 2021 OWCP decision in this appeal. *See* 20 C.F.R. § 501.3; *see also D.E.*, Docket No. 21-0531 (issued June 16, 2021).

³ 5 U.S.C. § 8101 *et seq.*; 20 C.F.R. §§ 501.2(c) and 501.3(a).

the date appellant filed her appeal.⁴ While there is correspondence dated July 20, 2021, that letter is purely informational in nature and does not constitute a final adverse decision of OWCP from which she may properly appeal.⁵ As there is no final adverse decision issued by OWCP that counsel has appealed from over which the Board may properly exercise jurisdiction, the Board lacks jurisdiction over the appeal. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1141 is dismissed.⁶

Issued: March 10, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

⁴ *Id.* at § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

⁵ See *Order Dismissing Appeal, K.S.*, Docket No. 20-1401 (issued March 17, 2021); *Order Dismissing Appeal, S.U.*, Docket No. 20-0636 (issued December 3, 2020).

⁶ The Board's decisions and orders are final upon the expiration of 30 days from the date of their issuance. 20 C.F.R. § 501.6(d).